



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 2/4/2004, by Patrick Welch

SYNOPSIS AS INTRODUCED:

New Act

Creates the Rails-With-Trails Immunity Act. Provides that the owner of property upon which a rails-with-trails trail is located, any railroad that operates within the active rail corridor upon which a rails-with-trails trail is located, and any person who is sponsoring and maintaining the strip of land for the use of individuals for the purposes specified in the agreement with the railroads are immune from civil liability for the death of or injury to an individual or damage to an individual's property resulting from the individual's use of a rails-with-trails trail, except for willful or wanton acts or omissions.

LRB093 20376 LCB 46145 b

1 AN ACT concerning civil immunity.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Rails-With-Trails Immunity Act.

6 Section 5. Definition. In this Act:

7 "Rails-with-trails trail" means a strip of land that is
8 located partly or fully within an active rail corridor and is
9 identified in an agreement entered into by a railroad that
10 operates within that rail corridor and any person who is
11 sponsoring and maintaining the strip of land for the use of
12 individuals for purposes specified in the agreement.

13 Section 10. Immunity. The owner of property upon which a
14 rails-with-trails trail is located, any railroad that operates
15 within the active rail corridor upon which a rails-with-trails
16 trail is located, and any person who is sponsoring and
17 maintaining the strip of land for the use of individuals for
18 purposes specified in the agreement with the railroads are
19 immune from civil liability for the death of or injury to an
20 individual or damage to an individual's property resulting from
21 the individual's use of a rails-with-trails trail, except for
22 willful or wanton acts or omissions.

23 This Section applies to all causes of action accruing on or
24 after its effective date.